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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT PAPER NUMBER

2154

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/932,033

Applicant(s)

PETROVYKH, YEVGENIY

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/17/01, 11/10/04
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Application Number 09/932, 033 was filed on 08/17/2001. Claims 1-42 are subject to examination.

Priority

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The instant application's incorporation of "proxy server, Fig.10, element 1003 " which Examiner was unable to locate in the applications 09/766, 271 and 09/710, 042. And as such, the priority date was considered as being 08/17/2001.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17, 28 and 31-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Chanoch (US 6, 707, 906 A1) in view of Price (US 6, 389, 132)

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Referring to claim 1,

The reference Ben-Chanoch teaches routing system operable on a data-packet-network for intelligent routing of instant messages between clients connected to the network and customer service representatives (CSRs) connected to the network (Fig.1, col. 2, lines 22-38) comprising:

at least one instant message server connected to and addressable on the network (Fig. 1, element 1, col. 1, line 60-64);

characterized in that clients connected to the network and operating instant message software connect to the instant message server for the purpose of establishing communication with available customer service representatives (col.2, lines 22-38) , and wherein assertion of a connection link advertised by the instant message server establishes bi-directional communication between the client machine (col.3, line11-18) identifying the client and version of instant message software used by the client for the purpose of routing the client request to an appropriate customer service representative thereby establishing an active instant message connection between the client and the selected customer service representative.(col.3, line 1-24).

Although the reference teaches these elements as part of the contact center, the reference explicitly fails to teach at least one intermediate server connected to and addressable on the network and accessible to the instant message server the intermediate server having access to routing rules and capability. The reference Price teaches "Contact Server 20 can manage the sequencing of multiple customers 10 requesting information to pool of agents 28. Contact Server 20 (intermediate server)

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can receive these requests from either Web Server 18 or Switch Server 22. With knowledge of the availability of pool of agents 28, Contact Server 20 can connect a request to an available agent 30 and initiate Web Server 18 and/or Switch Server 22 to establish a live connection with customer 12.”, col.3, line27-34, col. 4, line 7-10. (at least one intermediate server connected to and addressable on the network and accessible to the instant message server the intermediate server having access to routing rules and capability.) Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the contact center with the contact server (intermediate server) of Price such that contact server can manage the sequencing of multiple customers requesting information to pool of agents. It would have been obvious also for the reason that if customer chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the contact server for later connection.

Referring to claim 2,

The reference Ben-Chanoch teaches wherein the data-packet-network is the Internet network. (Fig.1, element “INTERNET”).

Referring to claims 3 and 5,

The reference Ben-Chanoch teaches the routing system of claim 1 wherein the client connection comprises a network appliance capable of instant messaging operationally coupled to the network, and wherein the network appliance is a computer. (col.3, line 1-25)

Referring to claims 4 and 6,

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The reference Ben-Chanoch teaches the routing system of claim 1 wherein customer service representative connection comprises a network appliance capable of instant messaging operationally coupled to the network, and wherein the network appliance is a computer. (col.3, line 1-25, Fig.1, element 5)

Referring to claims 7 and 8,

The reference Ben-Chanoch teaches the routing system of claim 1 wherein the customer service representatives are human resources, and wherein the customer service representatives include automated systems. (col.3, line 11-24 and line 41-55)

Referring to claim 9,

The reference Ben-Chanoch teaches the routing system of claim 1 wherein the addressing system of the network is Internet protocol addressing. (col.1, line 60-64)

Referring to claim 10,

The reference Ben-Chanoch teaches the routing system of claim 1 wherein the at least one instant message server retains responsibility of hosting ongoing communication between clients and customer service representatives. (Fig. 1, element 1, col. 1, line 60-64)

Referring to claim 11,

Keeping in mind the teaching of the reference Ben-Chanoch as stated above, the reference fails to teach intermediate server and wherein the at least one intermediate server is granted the responsibility of hosting ongoing communication between clients and customer service representatives. . The reference Price teaches "Contact Server 20 can manage the sequencing of multiple customers 10 requesting information to pool

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of agents 28. Contact Server 20 (intermediate server) can receive these requests from either Web Server 18 or Switch Server 22. With knowledge of the availability of pool of agents 28, Contact Server 20 can connect a request to an available agent 30 and initiate Web Server 18 and/or Switch Server 22 to establish a live connection with customer 12.”, col.3, line27-34, and “Customer 12 chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the Contact Server 20 for later connection., col. 4, line 7-10)(wherein the at least one intermediate server is granted the responsibility of hosting ongoing communication between clients and customer service representatives.) Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the contact center with the contact server (intermediate server) of Price such that contact server can manage the sequencing of multiple customers requesting information to pool of agents. It would have been obvious also for the reason that if customer chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the contact server for later connection.

Referring to claim 12,

Keeping in mind the teachings of the reference Ben-Chanoch as stated above wherein the wherein the client, customer service representative, involved in a single routed and established communication channel run instant messaging software compatible to that hosted by the instant message server used to initiate the connection. (col.3, line 1-24). The reference explicitly fails to teach at least one intermediate server . The reference Price teaches “Contact Server 20 can manage the sequencing of multiple customers 10

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requesting information to pool of agents 28. Contact Server 20 (intermediate server) can receive these requests from either Web Server 18 or Switch Server 22. With knowledge of the availability of pool of agents 28, Contact Server 20 can connect a request to an available agent 30 and initiate Web Server 18 and/or Switch Server 22 to establish a live connection with customer 12.", col.3, line27-34, col. 4, line 7-10. (wherein the client, customer service representative, and intermediate server involved in a single routed and established communication channel run instant messaging software compatible to that hosted by the instant message server used to initiate the connection) Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the contact center with the contact server (intermediate server) of Price such that contact server can manage the sequencing of multiple customers requesting information to pool of agents. It would have been obvious also for the reason that if customer chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the contact server for later connection.

Referring to claims 13 and 14,

The reference Ben-Chanoch teaches the routing system of claim 1 wherein the customer service representatives are agents operating within a communication center and connected to a local area network, and wherein the customer service representatives are remote agents operating from addressable locations on the network not confined to one location. (The reference teaches the element 2 of Fig.2 being an

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ATM or Ethernet Switch in col.2, line 11. It is well known that ATM switches are designed for LAN and WAN.)

Referring to claim 15,

Keeping in mind the teachings of the reference Ben-Chanoch as stated above, although the reference teaches wherein the at least one intermediate server requests and receives routing instructions for disposing all communication events occurring within the center (col.3, line 11-25), the reference fails to teach receiving routing instructions from a separate server containing an intelligent routing software suite. The reference Price teaches "Contact Server 20 can manage the sequencing of multiple customers 10 requesting information to pool of agents 28. Contact Server 20 (intermediate server) can receive these requests from either Web Server 18 or Switch Server 22. With knowledge of the availability of pool of agents 28, Contact Server 20 can connect a request to an available agent 30 and initiate Web Server 18 and/or Switch Server 22 to establish a live connection with customer 12.", col.3, line27-34, "Customer 12 chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the Contact Server 20 for later connection., col. 4, line 7-10), col. 4, line 7-10.(receiving routing instructions from a separate server containing an intelligent routing software suite.) Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the contact center with the contact server (intermediate server) of Price such that contact server can manage the sequencing of multiple customers requesting information to pool of agents. It would have been obvious also for the reason that if customer chooses to schedule an agent

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connection at a later time and the contact request is recorded and scheduled at the contact server for later connection.

Referring to claims 16 and 17,

The reference Ben-Chanoch teaches routing system of claim 1 wherein the routing capability includes routing based on customer service representative availability, and routing system of claim 1 wherein the routing capability includes routing based on skill level of a customer service representative. (col. 3, lines 11-24)

Referring to claim 28,

The reference Ben-Chanoch teaches wherein the routing rules and executed routing routines are a software suite for determination of internal routing (col. 3, lines 10-24) for all multimedia (col. 1, lines 49-50) and COST events (Fig.1, element "PSTN") occurring within the center. However the reference fails to explicitly teach a transaction server.

The reference Price teaches "Contact Server 20 can manage the sequencing of multiple customers 10 requesting information to pool of agents 28. Contact Server 20 (transaction server) can receive these requests from either Web Server 18 or Switch Server 22. With knowledge of the availability of pool of agents 28, Contact Server 20 can connect a request to an available agent 30 and initiate Web Server 18 and/or Switch Server 22 to establish a live connection with customer 12.", col.3, line27-34, and "Customer 12 chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the Contact Server 20 for later connection., col. 4, line 7-10)(the transaction server being used running a software suite for determination of internal routing) Therefore, it would have been obvious to one having ordinary skill in

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the art at the time of invention was made to enhance the contact center with the contact server (intermediate server) of Price such that contact server can manage the sequencing of multiple customers requesting information to pool of agents. It would have been obvious also for the reason that if customer chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the contact server for later connection.

Referring to claims 31 and 39,

The reference Ben-Chanoch teaches a method for establishing an instant message communication channel over a data-packet-network between a client and a customer service representative representing an enterprise based on returned results of at least one executed routing routine (Fig. 1, col. 2, lines 22-38) comprising steps of:

(a) client establishment of a network connection; (b) establishing a client-to-server connection with an instant message server using an instant messaging software application; (Fig. 1, element 1, col. 60-64, col. 3, line1-24)

Although the reference Ben-Chanoch teaches intelligent routing of the client request and information obtained through client interaction; and (f) routing the client request from server to an appropriate customer service representative (col. 3, lines 1-24), the reference fails to explicitly teach the proxy server as claimed.

The reference Price teaches "Contact Server 20 can manage the sequencing of multiple customers 10 requesting information to pool of agents 28. Contact Server 20 (proxy server) can receive these requests from either Web Server 18 or Switch Server 22. With knowledge of the availability of pool of agents 28, Contact Server 20 can

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connect a request to an available agent 30 and initiate Web Server 18 and/or Switch Server 22 to establish a live connection with customer 12.”, col.3, line27-34, “Customer 12 chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the Contact Server 20 for later connection., col. 4, line 7-10, and col. 1, lines 53-56, “The system also includes a software engine that routes and schedules customer request to available agents via internal communication pathways.” (c) establishing a connection from the instant message server (Web server of Fig. 1 of Price or Fig. 1, element 1 of Ben-Chanoch) to an intermediary proxy server through client link assertion; (d) the proxy server interacting with the client using instant messaging software to obtain information for routing; (e) the proxy server requesting execution of at least one intelligent routing routine on behalf of the client request and information obtained through client interaction; and (f) routing the client request from the proxy server to an appropriate customer service representative based on results of routine execution.) Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the contact center with the contact server (proxy server) of Price such that contact server can manage the sequencing of multiple customers requesting information to pool of agents. It would have been obvious also for the reason that if customer chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the contact server for later connection.

Referring to claim 32,

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The reference Ben-Chanoch teaches the method of claim 31 wherein the data-packet-network is the Internet network. (Fig. 1, element "internet")

Referring to claims 33 and 34,

The reference Ben-Chanoch teaches the method of claim 31 wherein in step (a) client connection comprises a network appliance having instant messaging capability operationally coupled to the network, and wherein in step (a) the network appliance is a computer. (col. 3, line 1-25)

Referring to claim 35,

Keeping in mind the teaching of the reference Ben-Chanoch as stated above, although the reference teaches "The customer may determine at what times or days he wishes to be contacted in what orders, and may specify same via a password.", col. 2, lines 50-53, (the instant message server optionally re-directs the client and relinquishes communication hosting.), the reference fails to teach to optionally re-directing the client to the proxy server. The reference Price teaches "Contact Server 20 can manage the sequencing of multiple customers 10 requesting information to pool of agents 28. Contact Server 20 (proxy server) can receive these requests from either Web Server 18 or Switch Server 22. With knowledge of the availability of pool of agents 28, Contact Server 20 can connect a request to an available agent 30 and initiate Web Server 18 and/or Switch Server 22 to establish a live connection with customer 12.", col.3, line27-34, "Customer 12 chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the Contact Server 20 for later connection., col. 4, line 7-10, and col. 1, lines 53-56, "The system also includes a

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software engine that routes and schedules customer request to available agents via internal communication pathways." (to optionally re-directing the client to the proxy server and wherein in step (e) the execution request is handled by a separate server running a routing software suite for routing communication events within the enterprise.

). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the contact center with the contact server (proxy server) of Price such that contact server can manage the sequencing of multiple customers requesting information to pool of agents. It would have been obvious also for the reason that if customer chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the contact server for later connection.

Referring to claim 36,

The reference Ben-Chanoch teaches the method of claim 31 wherein in step (d) the interaction results in at least client identification, version identification of instant message software used by the client, and a reason for requesting communication with a customer service representative. (col. 3, lines 1-24, col. 2, lines 22-38)

Referring to claim 37,

The reference Ben-Chanoch teaches the method of claim 31 wherein in step (e) the at least one routing routine comprises an availability determination of existence of a network-connected customer service representative having a compatible instant messaging software to that used by the client. (col. 3, lines 1-24, col. 2, lines 22-38)

Referring to claim 38,

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The reference Ben-Chanoch teaches the method of claim 37 wherein in step (e) the at least one routing routine further comprises a skill level determination. (col.3, lines 21-25)

Referring to claim 40,

Keeping in mind the teaching of the reference Ben-Chanoch as stated above, the reference fails to teach wherein in step (f) the proxy server hosts the ongoing routed and established communication transaction. The reference Price teaches "Contact Server 20 can manage the sequencing of multiple customers 10 requesting information to pool of agents 28. Contact Server 20 (intermediate server) can receive these requests from either Web Server 18 or Switch Server 22. With knowledge of the availability of pool of agents 28, Contact Server 20 can connect a request to an available agent 30 and initiate Web Server 18 and/or Switch Server 22 to establish a live connection with customer 12.", col.3, line27-34, and "Customer 12 chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the Contact Server 20 for later connection., col. 4, line 7-10)(wherein in step (f) the proxy server hosts the ongoing routed and established communication transaction.) Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the contact center with the contact server (proxy server) of Price such that contact server can manage the sequencing of multiple customers requesting information to pool of agents. It would have been obvious also for the reason that if customer chooses to schedule an agent connection at a later time and the contact request is recorded and scheduled at the contact server for later connection.

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Referring to claim 41,

The reference Ben-Chanoch teaches method of claim 31 wherein in step (f) the instant message server continues to host the ongoing routed and established transaction. (Fig.1, element 1, col. 1 line 60-64)

Referring to claim 42,

The reference Ben-Chanoch teaches the method of claim 31 wherein in step (f) the transaction is conducted through a firewall. (col.2, lines 50-53)

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 18-27, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ben-Chanoch (US 6, 707, 906)

Referring to claim 18,

The reference teaches Ben-Chanoch teaches a proxy server for routing instant messages sourced from clients connected to a data-packet-network to selected ones of a plurality of customer service representatives connected to the network and representing an enterprise (Fig.1, element 1, col. 2, lines 22-38):

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at least one bi-directional data port for receiving data thereto and sending data there from (Fig.1, element 1, col.1, line 60-64);

at least one version of instant messaging software executable therein for generating, sending, and receiving instant messages (col.3, lines1-10);

a software routing component executable therein for routing client instant message requests to selected IP addresses on the network (col.3, line11-25); and

a software firewall component operable therein and capable of IP address translation (col. 2, lines 50-53, col. 1, line 60-64);

characterized in that the server receives incoming instant message events for routing, identifies and interacts with individual clients using instant message protocol and routes qualified requests to available customer service representatives based on enterprise routing rules for instant messaging (col.3, line11-25);.

Referring to claim 19,

The reference teaches Ben-Chanoch teaches proxy server of claim 18 wherein the data-packet-network is the Internet network. (Fig.1, element "INTERNET").

Referring to claims 20 and 22,

The reference teaches Ben-Chanoch teaches the proxy server of claim 18 wherein the client connection comprises a network appliance capable of instant messaging operationally coupled to the network, and wherein the network appliance is a computer.(col.3, line 1-25)

Referring to claims 21 and 23,

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The reference teaches Ben-Chanoch teaches the proxy server of claim 18 wherein the customer service representative connection comprises a network appliance capable of instant messaging operationally coupled to the network, and wherein the network appliance is a computer. (col. 3, line 1-25, Fig.1, element 5)

Referring to claims 24 and 25,

The reference teaches Ben-Chanoch teaches the proxy server of claim 18 wherein the customer service representatives are human resources, and wherein the customer service representatives include automated systems. (col.3, line 11-24 and line 41-55)

Referring to claims 26 and 27,

The reference teaches Ben-Chanoch teaches the proxy server of claim 18 wherein after establishing a routed connection, the same server continues to host the communication transaction, and wherein routing destination is determined as a result of executed routing routines according to routing rules (Fig. 1, element 1, col.3, lines 10-24).

Referring to claims 29 and 30,

The reference Ben-Chanoch teaches the proxy server of claim 18 wherein the routing capability includes routing based on customer service representative availability, and wherein the routing capability includes routing based on skill level of a customer service representative. (col. 3, lines 11-24)

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are

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applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100